

**Executive Summary – Enforcement Matter – Case No. 60687**  
**Gallagher Acquisitions, LLC**  
**RN110114097**  
**Docket No. 2021-0565-PWS-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Gallagher Acres RV Park, 5080 Ben Day Murrin Road near Fort Worth, Tarrant County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 14, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,350

**Amount Deferred for Expedited Settlement:** \$1,670

**Total Paid to General Revenue:** \$205

**Total Due to General Revenue:** \$6,475

Payment Plan: 35 payments of \$185 each

**Compliance History Classifications:**

Person/CN - Unclassified

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 12, 2021

**Date(s) of NOE(s):** April 16, 2021

**Executive Summary – Enforcement Matter – Case No. 60687**  
**Gallagher Acquisitions, LLC**  
**RN110114097**  
**Docket No. 2021-0565-PWS-E**

***Violation Information***

1. Failed to provide a minimum well capacity of at least 0.6 gallons per minute ("gpm") per unit. Specifically, the Facility had 97 units requiring a well capacity of 58.2 gpm. However, only 17.2 gpm were provided, indicating a 70 percent ("%") deficiency [30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide two or more service pumps having a total capacity of 1.0 gpm per unit. Specifically, the Facility had 97 units requiring a total service pump capacity of 97 gpm. However, the Facility only provided one service pump, which provided 37 gpm total capacity, indicating a 62% deficiency [30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to provide a minimum pressure tank capacity of at least ten gallons per unit. Specifically, the Facility had 97 units requiring a minimum pressure tank capacity of 970 gallons. However, the Facility only provided a pressure tank capacity of 214 gallons, indicating a 78% deficiency [30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to provide a well casing vent for Well Nos. 1, 2, and 3 that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].
5. Failed to provide a concrete sealing block that extends at least three feet from the well casing in all directions, is at least six inches thick and is sloped to drain away at not less than 0.25 inches per foot. Specifically, no sealing block was provided for Well Nos. 1, 2, and 3 [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].
6. Failed to provide an intruder-resistant fence or building around each treatment plant, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the Facility is unattended. Specifically, the disinfection chemicals and ground storage tank at Water Plant No. 1 were not enclosed within an intruder-resistant fence [30 TEX. ADMIN. CODE §§ 290.43(e) and 290.42(m)].
7. Failed to provide an intruder-resistant fence or building around each treatment plant and related appurtenances that remains locked during periods of darkness and when the Facility is unattended. Specifically, one of the pressure filter tanks at Water Plant No. 3 was not enclosed within an intruder-resistant fence [30 TEX. ADMIN. CODE § 290.42(m)].

**Executive Summary – Enforcement Matter – Case No. 60687**  
**Gallagher Acquisitions, LLC**  
**RN110114097**  
**Docket No. 2021-0565-PWS-E**

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By June 23, 2021, the Respondent implemented the following corrective measures:

- a. Provided a well casing vent for Well Nos. 1, 2, and 3 with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well;
- b. Provided a concrete sealing block around Well Nos. 1, 2, and 3 that extends at least three feet from the well casing in all directions, is at least six inches thick and is sloped to drain away at not less than 0.25 inches per foot; and
- c. Provided an intruder-resistant fence to protect the disinfection chemicals and ground storage tank at Water Plant No. 1 and each of the pressure filter tanks at Water Plant No. 3.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 180 days:
  - i. Provide a minimum well capacity of at least 0.6 gpm per unit;
  - ii. Provide two or more service pumps having a total capacity of 1.0 gpm per unit; and
  - iii. Provide a minimum pressure tank capacity of at least ten gallons per unit.
- b. Within 195 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Julianne Matthews, Enforcement Division, Enforcement Team 8, MC R-04, (817) 588-5861; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Harry Gallagher, President, Gallagher Acquisitions, LLC, 4636 Sidonia Court, Fort Worth, Texas 76126

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	19-Apr-2021		
	<b>PCW</b>	28-Apr-2021	<b>Screening</b>	28-Apr-2021
			<b>EPA Due</b>	

RESPONDENT/FACILITY INFORMATION			
<b>Respondent</b>	Gallagher Acquisitions, LLC		
<b>Reg. Ent. Ref. No.</b>	RN110114097		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

CASE INFORMATION			
<b>Enf./Case ID No.</b>	60687	<b>No. of Violations</b>	7
<b>Docket No.</b>	2021-0565-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Julianne Matthews
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$6,250
---	-------------------	---------

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	40.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$2,500
---------------------------	-------	------------	--------------------------------	---------

Notes: Enhancement for two Agreed Orders containing a denial of liability.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------	-------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$400
--	-------------------	--------

<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	------	--------------	-------------------	-----

Total EB Amounts	\$3,111
Estimated Cost of Compliance	\$15,050

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,350
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
---	------	------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$8,350

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,350
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$1,670
-----------------	-------	-----------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,680
------------------------	---------

**Screening Date** 28-Apr-2021

**Docket No.** 2021-0565-PWS-E

**PCW**

**Respondent** Gallagher Acquisitions, LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 60687

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN110114097

**Media** Public Water Supply

**Enf. Coordinator** Julianne Matthews

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 40%

#### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for two Agreed Orders containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 40%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 40%

**Screening Date** 28-Apr-2021  
**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media** Public Water Supply  
**Enf. Coordinator** Julianne Matthews

**Docket No.** 2021-0565-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(c)(1)(B)(i) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description** Failed to provide a minimum well capacity of at least 0.6 gallons per minute ("gpm") per unit. Specifically, the Facility had 97 units requiring a well capacity of 58.2 gpm. However, only 17.2 gpm were provided, indicating a 70% deficiency.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>			<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor		
	Actual					
	Potential	x			<b>Percent</b>	15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b>
					0.0%

Matrix Notes

Failure to provide adequate well capacity may cause back siphonage and low pressure that could expose customers of the Facility to contaminants that would exceed levels protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events 1 16 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$750

One monthly event is recommended, calculated from the April 12, 2021 record review date to the April 28, 2021 screening date.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,104

**Violation Final Penalty Total** \$1,050

**This violation Final Assessed Penalty (adjusted for limits)** \$1,050

# Economic Benefit Worksheet

**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media Violation No.** Public Water Supply  
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$5
Other (as needed)	\$5,000	23-Apr-2019	13-Jun-2022	3.14	\$52	\$1,047	\$1,099
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a minimum well capacity of at least 0.6 gpm per unit, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$1,104

**Screening Date** 28-Apr-2021  
**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media** Public Water Supply  
**Enf. Coordinator** Julianne Matthews

**Docket No.** 2021-0565-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to provide two or more service pumps having a total capacity of 1.0 gpm per unit. Specifically, the Facility had 97 units requiring a total service pump capacity of 97 gpm. However, the Facility only provided one service pump, which provided 37 gpm total capacity, indicating a 62% deficiency.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

Failure to provide adequate service pump capacity may cause back siphonage and low pressure that could expose customers of the Facility to contaminants that would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One monthly event is recommended, calculated from the April 12, 2021 record review date to the April 28, 2021 screening date.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**



# Economic Benefit Worksheet

**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media Violation No.** Public Water Supply  
 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$5
Other (as needed)	\$5,000	23-Apr-2019	13-Jun-2022	3.14	\$52	\$1,047	\$1,099
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to provide two or more service pumps with a total capacity of at least 1.0 gpm per unit, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$5,000

**TOTAL** \$1,104

**Screening Date** 28-Apr-2021  
**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media** Public Water Supply  
**Enf. Coordinator** Julianne Matthews

**Docket No.** 2021-0565-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(c)(1)(B)(iv) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**

Failed to provide a minimum pressure tank capacity of at least ten gallons per unit. Specifically, the Facility had 97 units requiring a minimum pressure tank capacity of 970 gallons. However, the Facility only provided a pressure tank capacity of 214 gallons, indicating a 78% deficiency.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

**Percent** 15.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

Failure to provide adequate pressure tank capacity may cause back siphonage and low pressure that could expose customers of the Facility to contaminants that would exceed levels protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events 1 16 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$750

One monthly event is recommended, calculated from the April 12, 2021 record review date to the April 28, 2021 screening date.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$440

**Violation Final Penalty Total** \$1,050

**This violation Final Assessed Penalty (adjusted for limits)** \$1,050

# Economic Benefit Worksheet

**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	23-Apr-2019	13-Jun-2022	3.14	\$21	\$419	\$440
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a minimum pressure tank capacity of at least 10 gallons per unit, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000

**TOTAL** \$440

**Screening Date** 28-Apr-2021  
**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media** Public Water Supply  
**Enf. Coordinator** Julianne Matthews

**Docket No.** 2021-0565-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 4

**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(K)

**Violation Description** Failed to provide a well casing vent for Well Nos. 1, 2, and 3 that is covered with 16 mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Failure to provide a well casing vent could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 3 16 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$750

Three quarterly events are recommended (one for each well), calculated from the date of the record review, April 12, 2021, to the date of screening, April 28, 2021.

**Good Faith Efforts to Comply**

10.0%

Reduction \$75

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		

**Notes** The Respondent achieved compliance on June 23, 2021.

**Violation Subtotal** \$675

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$68

**Violation Final Penalty Total** \$975

**This violation Final Assessed Penalty (adjusted for limits)** \$975

# Economic Benefit Worksheet

**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media Violation No.** Public Water Supply  
 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment	\$450	23-Apr-2019	23-Jun-2021	2.17	\$3	\$65	\$68
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to provide a well casing vent for Well Nos. 1, 2, and 3 (\$150 per well x three wells), calculated from the date of the investigation initially documenting the violation to the date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$450

**TOTAL**

\$68

<b>Screening Date</b>	28-Apr-2021	<b>Docket No.</b>	2021-0565-PWS-E	<b>PCW</b>
<b>Respondent</b>	Gallagher Acquisitions, LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Case ID No.</b>	60687	<i>PCW Revision February 11, 2021</i>		
<b>Reg. Ent. Reference No.</b>	RN110114097			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Julianne Matthews			
<b>Violation Number</b>	5			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(J)			
<b>Violation Description</b>	Failed to provide a concrete sealing block that extends at least three feet from the well casing in all directions, is at least six inches thick and is sloped to drain away at not less than 0.25 inches per foot. Specifically, no sealing block was provided for Well Nos. 1, 2, and 3.			
<b>Base Penalty</b>	\$5,000			

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes: Failure to provide an adequate concrete sealing block around the wellhead may not adequately protect the well from flooding and allow pollutants to enter the source water thereby exposing persons served by the Facility to contaminants which would exceed levels protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events	3	16	Number of violation days
daily			
weekly			
monthly	x		
quarterly			
semiannual			
annual			
single event			

**Violation Base Penalty** \$2,250

Three monthly events are recommended (one for each well), calculated from the date of the record review, April 12, 2021, to the date of screening, April 28, 2021.

**Good Faith Efforts to Comply** 10.0% Reduction \$225

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes: The Respondent achieved compliance on June 23, 2021.

**Violation Subtotal** \$2,025

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount \$91	Violation Final Penalty Total \$2,925
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$2,925	

# Economic Benefit Worksheet

**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media Violation No.** Public Water Supply  
 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$600	23-Apr-2019	23-Jun-2021	2.17	\$4	\$87	\$91
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to provide a concrete sealing block for Well Nos. 1, 2, and 3 (\$200 per well x three wells), calculated from the date of the investigation initially documenting the violation to the date of compliance.

### Avoided Costs

**ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$600

**TOTAL** \$91

**Screening Date** 28-Apr-2021  
**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media** Public Water Supply  
**Enf. Coordinator** Julianne Matthews

**Docket No.** 2021-0565-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 6

**Rule Cite(s)**

30 Tex. Admin. Code §§ 290.42(m) and 290.43(e)

**Violation Description**

Failed to provide an intruder-resistant fence or building around each treatment plant, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the Facility is unattended. Specifically, the disinfection chemicals and ground storage tank at Water Plant No. 1 were not enclosed within an intruder-resistant fence.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

**Percent** 15.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

Failure to provide an intruder-resistant fence or lockable building could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events 1

16 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$750

One monthly event is recommended, calculated from the date of the record review, April 12, 2021, to the date of screening, April 28, 2021.

**Good Faith Efforts to Comply**

10.0%

Reduction \$75

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent achieved compliance on June 23, 2021.

**Violation Subtotal** \$675

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$152

**Violation Final Penalty Total** \$975

**This violation Final Assessed Penalty (adjusted for limits)** \$975



# Economic Benefit Worksheet

**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media Violation No.** Public Water Supply  
 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$1,000	23-Apr-2019	23-Jun-2021	2.17	\$7	\$145	\$152
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

### Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an intruder-resistant fence with a lockable gate that remains locked during periods of darkness and when the Facility is unattended to protect the disinfection chemicals and ground storage tank at Water Plant No. 1, calculated from the date of the investigation initially documenting the violation to the date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

**TOTAL** \$152

**Screening Date** 28-Apr-2021  
**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media** Public Water Supply  
**Enf. Coordinator** Julianne Matthews

**Docket No.** 2021-0565-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to provide an intruder-resistant fence or building around each treatment plant and related appurtenances that remains locked during periods of darkness and when the Facility is unattended. Specifically, one of the pressure filter tanks at Water Plant No. 3 was not enclosed within an intruder-resistant fence.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

Failure to provide an intruder-resistant fence or lockable building could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended, calculated from the date of the record review, April 12, 2021, to the date of screening, April 28, 2021.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** Gallagher Acquisitions, LLC  
**Case ID No.** 60687  
**Reg. Ent. Reference No.** RN110114097  
**Media Violation No.** Public Water Supply  
 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$1,000	23-Apr-2019	23-Jun-2021	2.17	\$7	\$145	\$152
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

### Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an intruder-resistant fence with a lockable gate that remains locked during periods of darkness and when the Facility is unattended to protect each of the pressure filter tanks at Water Plant No. 3, calculated from the date of the investigation initially documenting the violation to the date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$152

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN605456425, RN110114097, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN605456425, Gallagher Acquisitions, LLC **Classification:** UNCLASSIFIED **Rating:** -----

**Regulated Entity:** RN110114097, GALLAGHER ACRES RV PARK **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 5080 BEN DAY MURRIN ROAD NEAR FORT WORTH, TARRANT COUNTY, TEXAS

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 2200373

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** April 27, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 27, 2016 to April 27, 2021

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Julianne Matthews **Phone:** (817) 588-5861

## **Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five-year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

## **Components (Multimedia) for the Site Are Listed in Sections A - J**

### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 08/13/2019 ADMINORDER 2018-1730-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Failure to maintain a disinfectant residual of at least 0.2 milligrams per liter (mg/L) free chlorine throughout the distribution system.
- 2 Effective Date: 10/22/2019 ADMINORDER 2019-0585-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)  
Description: Failure to submit a copy of the well completion data for review and approval from the Executive Director prior to placing a public drinking water well into service. Specifically, the Facility's Well No. 2 near the dog park was placed into service without prior authorization.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)  
30 TAC Chapter 290, SubChapter D 290.39(h)(1)  
5A THSC Chapter 341, SubChapter A 341.035(a)  
Description: Failure to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply. Specifically, the Respondent was operating a business which meets the definition of a transient non-community public water supply without first obtaining approval.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the Facility's Well No. 1 remains in service.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
GALLAGHER ACQUISITIONS,  
LLC  
RN110114097**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0565-PWS-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Gallagher Acquisitions, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 5080 Ben Day Murrin Road near Fort Worth, Tarrant County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 97 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$8,350 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$205 of the penalty and \$1,670 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$6,475 of the undeferred penalty shall be paid in 35 monthly payments of \$185 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full.

If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by June 23, 2021, the Respondent implemented the following corrective measures at the Facility:
  - a. Provided a well casing vent for Well Nos. 1, 2, and 3 with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well;
  - b. Provided a concrete sealing block around Well Nos. 1, 2, and 3 that extends at least three feet from the well casing in all directions, is at least six inches thick and is sloped to drain away at not less than 0.25 inches per foot; and
  - c. Provided an intruder-resistant fence to protect the disinfection chemicals and ground storage tank at Water Plant No. 1 and each of the pressure filter tanks at Water Plant No. 3.

## II. ALLEGATIONS

During a record review conducted on April 12, 2021, an investigator documented that the Respondent:

1. Failed to provide a minimum well capacity of at least 0.6 gallons per minute ("gpm") per unit, in violation of 30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(i) and TEX. HEALTH & SAFETY

- CODE § 341.0315(c). Specifically, the Facility had 97 units requiring a well capacity of 58.2 gpm. However, only 17.2 gpm were provided, indicating a 70% deficiency.
2. Failed to provide two or more service pumps having a total capacity of 1.0 gpm per unit, in violation of 30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 97 units requiring a total service pump capacity of 97 gpm. However, the Facility only provided one service pump, which provided 37 gpm total capacity, indicating a 62% deficiency.
  3. Failed to provide a minimum pressure tank capacity of at least ten gallons per unit, in violation of 30 TEX. ADMIN. CODE § 290.45(c)(1)(B)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 97 units requiring a minimum pressure tank capacity of 970 gallons. However, the Facility only provided a pressure tank capacity of 214 gallons, indicating a 78% deficiency.
  4. Failed to provide a well casing vent for Well Nos. 1, 2, and 3 that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
  5. Failed to provide a concrete sealing block that extends at least three feet from the well casing in all directions, is at least six inches thick and is sloped to drain away at not less than 0.25 inches per foot, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J). Specifically, no sealing block was provided for Well Nos. 1, 2, and 3.
  6. Failed to provide an intruder-resistant fence or building around each treatment plant, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the Facility is unattended, in violation of 30 TEX. ADMIN. CODE §§ 290.43(e) and 290.42(m). Specifically, the disinfection chemicals and ground storage tank at Water Plant No. 1 were not enclosed within an intruder-resistant fence.
  7. Failed to provide an intruder-resistant fence or building around each treatment plant and related appurtenances that remains locked during periods of darkness and when the Facility is unattended, in violation of 30 TEX. ADMIN. CODE § 290.42(m). Specifically, one of the pressure filter tanks at Water Plant No. 3 was not enclosed within an intruder-resistant fence.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall



not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Gallagher Acquisitions, LLC, Docket No. 2021-0565-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 180 days after the effective date of this Order:
    - i. Provide a minimum well capacity of at least 0.6 gpm per unit, in accordance with 30 TEX. ADMIN. CODE § 290.45;
    - ii. Provide two or more service pumps having a total capacity of 1.0 gpm per unit, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
    - iii. Provide a minimum pressure tank capacity of at least ten gallons per unit, in accordance with 30 TEX. ADMIN. CODE § 290.45.
  - b. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

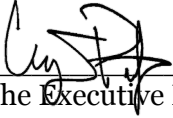
Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date

6/8/2022

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

05/12/2022

\_\_\_\_\_  
Date

Harry Gallagher

Owner

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Gallagher Acquisitions, LLC

\_\_\_\_\_  
Title

*If mailing address has changed, please check this box and provide the new address below:*